

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION**

<b>In the Matter of CAH Acquisition Company #1, LLC d/b/a Washington County Hospital</b>	<b>Case No. 19-00730-5-JNC  Chapter 11</b>
<b>CAH Acquisition Company # 3, LLC d/b/a Horton Community Hospital</b>	<b>Case No. 19-01180-5-JNC  Chapter 11</b>
<b>CAH Acquisition Company 16, LLC d/b/a Haskell County Community Hospital</b>	<b>Case No. 19-01227-5-JNC  Chapter 11</b>
<b>CAH Acquisition Company 3, LLC d/b/a Oswego Community Hospital</b>	<b>Case No. 19-01230-5-JNC  Chapter 11</b>
<b>CAH Acquisition Company 7, LLC d/b/a Prague Community Hospital</b>	<b>Case No. 19-01298-5-JNC  Chapter 11</b>
<b>CAH Acquisition Company 6, LLC d/b/a I-70 Community Hospital</b>	<b>Case No. 19-01300-5-JNC  Chapter 11</b>
<b>CAH Acquisition Company 12, LLC d/b/a Fairfax Community Hospital</b>	<b>Case No. 19-01697-5-JNC  Chapter 11</b>

**LIMITED OBJECTION TO MOTION TO EMPLOY ARNETT CARBIS TOOTHMAN  
LLP AS CERTIFIED PUBLIC ACCOUNTANT FOR THE TRUSTEE**

Now comes the Bankruptcy Administrator and herewith files this limited objection to the Application to Employ Arnett Carbis Toothman LLP (hereinafter “ACT”) as Certified Public Accountant for the Trustee and in support thereof shows the court the following:

1. There are currently seven related chapter 11 cases involving critical access hospitals in North Carolina, Kansas, Missouri and Oklahoma. The court has appointed Thomas W. Waldrep, Jr as trustee in all of the pending cases. The cases are administratively consolidated under the lead case of CAH Acquisition Company #1 LLC d/b/a Washington County Hospital.

2. The Trustee has filed motions in each case seeking the court's approval to employ ACT as certified public accountant for the Trustee on June 10, 2019. The motions describe the services being performed and proposed hourly rates for the services. The motion also seeks approval for a six percent administrative overhead charge. See Doc. 282, ¶23.

3. While passing all expenses through to the Trustee and estate, ACT seeks to add a 6% administrative overhead charge to all expenses. The Bankruptcy Administrator objects to this overhead charge as it violates 11 U.S.C. §330 which provides that professionals may only recover "actual and necessary" expenses. The overhead charge does not represent an actual and necessary expense and is not allowable.

Wherefore, the BA objects the Trustee's Motion to Employ ACT as Certified Public Accountant to the Trustee to the extent that the firm seeks to charge an administrative overhead charge of 6% and requests that the employment be approved without this provision and such other and further and relief as the court deems just and proper.

Respectfully submitted, this the 11<sup>th</sup> day of June 2019.

/s/ Marjorie K. Lynch  
Marjorie K. Lynch  
Bankruptcy Administrator  
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**CERTIFICATE OF SERVICE**

I, Marjorie K. Lynch, of 434 Fayetteville Street, Suite 640, Raleigh, North Carolina, 27601, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age.

That on this day, I served copies of the foregoing document electronically upon counsel of record.

I certify under penalty of perjury that the foregoing is true and correct.

Dated this the 11<sup>th</sup> day of June 2019.

/s/ Marjorie K. Lynch  
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